OMB

CLC #78-2002/H

June 23, 1978

Honorable Cyrus R. Vance
Secretary of State
Washington, D.C. 20520

Dear Mr. Secretary:

In the absence of the Director, I am responding to Acting Secretary Newsom's letter of June 16, 1978, which expressed the Department of State's support for Title V of H.R. 12598, the House-passed Foreign Relations Authorization Act for FY 1979.

Title V raises two issues: (1) how best can the Secretary of State fulfill his responsibility for coordinating negotiations and agreements in the field of science and technology with overall U.S. foreign policy objectives, and (2) what should be the role of the Secretary in coordinating and integrating science and technology in the conduct of foreign policy.

The first issue will be dealt with shortly in the context of Section 501 of the companion Senate bill regarding the Secretary's oversight responsibilities for all agreements between the U.S. Government and foreign countries. With regard to the second issue, Title V proposes broad authority to the Secretary for oversight of domestic agencies' science and technology activities with international implications. It also directs the Secretary to review broadly foreign science and technology activities abroad for their potential impact on the United States. These aspects of the title have been discussed with the NSC staff and the Office of Science and Technology Policy, and they agree with OMB that we cannot support the title as written. The scope of authority appears too sweeping, extending the Department's role well beyond its traditional and appropriate oversight function. As written, Title V could have detrimental impact on the orderly conduct of domestic agency programs, and secondarily, perhaps, on the conduct of foreign policy, particularly to the extent that it overtaxes the science/technology resources of the State Department.

We propose that Title V be redrafted as follows:

(1) Accept Sections 501 and 502 as passed by the House;

(2) Delete Sections 503, 504, and 505; and replace these with the following:

Sec. 503. The President, through the Secretary of State and in consultation with the Director of the Office of Science and Technology Policy and other officials whom the President considers appropriate, shall transmit to the Congress, not later than January 20, 1979, a report on the implementation of the declaration of policy set out above.

I have discussed Title V and its implications with David Aaron and Frank Press, and I believe the above reformulation appropriately meets their concerns regarding the problems raised by the original language.

Sincerely,

/s/

Edward R. Jayne II
Associate Director for
National Security and
International Affairs

STAT

Bennet to Sparkman

In addition to the views set out in Secretary Vance's letter of June 26, and my transmittal of June 23, I would like to transmit the Administration's views on certain other provisions of S. 3076, the "Foreign Relations Authorization Act, Fiscal Year 1976."

Section 131 would authorize a fourth Executive Level III position in the Department of State by creating the position of Under Secretary for Management at Level III in lieu of the current Deputy Under Secretary for Management, now at Level IV. Senior administrative management positions do not exceed Executive Level IV in Cabinet agencies. Upgrading this position to Level III not only would distort the balance among agencies, but would also plan an administrative manager at a level which would be equal to or higher than all of the policy positions in the Department other than the Secretary or the Deputy Secretary. Accordingly, section 131 should be deleted.

Section 501 of the Senate bill also presents some problems. The Administration supports the intent of the section and believes that, if judiciously administered, the section can enhance the coherent and effective conduct of United States foreign policy. The establishment of a central point of review to ascertain whether proposed international agreements are consistent with and form an effective part of United States foreign policy, is appropriate and desirable. The Administration believes, however, that this can be adequately attained by requiring prior consultation, rather than approval, of the Secretary of State or the President. The requirement of approval introduces an element of

rigidity that is likely to complicate and impede unduly the execution of the government's business. Accordingly, the Administration recommends the substitution of the words "consultation with" for the words "approval of" in the proposed subsection 112(c)(1)(A) of title I of the United States Code. In addition, subsection 112(c)(1)(B) should be revised to read: "Such consultation may encompass a class of agreements rather than particular agreements."

The proposed specification of oral agreements and the annual report required of the President are not necessary. Currently oral agreements deemed within the purview of the so-called "Case-Zablocki Act" (1 U.S.C. 112(b)) are regularly reduced to writing and transmitted to the Congress. Furthermore, the requirement that the President report annually the reasons for late transmittal by the State Department of international agreements is not necessary. Reasons for late transmittals are regularly transmitted to the Congress by the Assistant Legal Advisor for Treaty Affairs of the Department of State. This provision will not provide additional information to the Congress. The President should not be burdened with a task that is already being performed and which is of a routine nature.

FINAL PARAGRAPH MAY BE NEEDED ON Sec. 119(2)